REMARKS

OFFICE ACTION

In the Office Action mailed March 24, 2006, the Examiner requested confirmation of the election of claims 1-28 that had been previously selected during a telephone interview. The Examiner also rejected claims 1-3, 5-17, and 19-27 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,761,656 to Ben-shachar (hereinafter "'656 Patent"). Claims 4 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '656 Patent in view of U.S. Publication No. 2005/0149491 to Bakalash (hereinafter "'491 Publication").

REPLACEMENT DRAWINGS

Applicant has submitted replacement drawing sheets 1 and 2. FIG. 1 that was on previously submitted drawing sheet 1 has been renumbered to FIG. 1A to comport with the description of drawings and detailed description in the specification. FIG. 1B is being added with replacement drawing sheet 2. This figure comports with the description of FIG. 1B and the detailed description in the specification at page 20, line 14 to page 22, line 11. Applicant submits that no new matter is included. Previously submitted drawing sheets 2-8 are now drawing sheets 3-9. Applicant requests entry of the replacement drawing sheets.

ELECTION OF CLAIMS

Applicant affirms the election of claims 1-28 selected without traverse in the previous telephone conference with the Examiner. Claims 29-55 have been withdrawn without prejudice to their presentation in a divisional application.

SECTION 102 REJECTION

Claims 1-28

Claims 1-3, 5-17, and 19-28 were rejected as being anticipated by the '656 Patent. The '656 Patent discloses a link manager and an execution manager that use a mapping file to exchange data between a database and an application program. The system of claims 1-14 enables a building system engineer to construct a building system solution using an application definition that is developed in a design language. The system design converter converts the definition into computer statements. The system design converter then uses data obtained through a computer tool interface and external program modules obtained through an external program module interface to generate a building system application. The system set forth in claims 1-14 implements the method set out in claims 15-28.

The system of the '656 Patent does not support a design system converter for the generation of building system applications. Instead, the system of the '656 Patent only maps data from the database API to the data entities used by an application program. This mapping is facilitated by the GUI server. Moreover, the system of the '656 Patent requires that the application program already exist before the mapping occurs. Thereafter, the system of the '656 Patent is able to use the GUI server to obtain information from a user to support the exchange of data between the application program and the database.

Applicant's system, on the other hand, is used to generate a building program application. The system design converter generates computer

statements from the application definition data. The design converter then includes data from one or more external databases in the computer statements and also incorporates external program modules in the computer statements to produce a building system application program. Consequently, the '656 Patent does not teach or suggest a data provider interface for generating an application program nor does it include the system design converter and the external program module interface for the generation of the application program. The '656 Patent also fails to disclose each and every element of the method of claims 15-28 that is implemented by the system of claims 1-14. For at least these reasons, claims 1-28 are patentable over the references of record, either alone or in combination.

Claims 2 and 16

Claim 2 includes a plurality of databases for supplying data to be used to generate building system application programs. Because the '656 Patent does not disclose the use of databases for this purpose, claim 2 is separately patentable. Claim 16 includes the storage of data into a plurality of databases. For similar reasons, claim 16 is also patentable over the references of record, either alone or in combination.

Claims 3 and 17

The Examiner rejected claim 3 as being anticipated by the '656 Patent and rejected claim 4 as being obvious over the '656 Patent in view of the '491

Publication. Claim 3 requires that the system have both a real-time database and a data mart. There is no explicit teaching of both types of data repositories in a single system in the '656 Patent. Therefore, the '656 Patent does not anticipate the claim. Likewise, claim 16 requires that data be stored in one of the two types of data repositories and is patentable for similar reasons. For at least these reasons, claims 3 and 16 are patentable over the references of record, either alone or in combination

Additionally, there is no teaching or suggestion in the '656 Patent that the data mart be configured with a snowflake or star data organization. This type of organization for the data mart is required in claims 4 and 18. Because the '656 Patent does not have a data mart, it cannot provide the teaching that a data mart be organized in either of these configurations. Therefore, claims 4 and 18 are rendered obvious by the '656 Patent. Reliance on the '491 Publication in support of the obviousness rejection is addressed in more detail below.

Claims 5-9 and 19-23

Claims 5 through 9 are directed to specific aspects of the external program module interface. The components required by these claims are used for delivering external program modules to the system design converter for the generation of building system applications. The use of these components for this purpose are not disclosed in the '656 Patent. The '656 Patent also does not render the subject matter of these claims obvious as these required components add external program modules to the computer statements generated from the

application definition data. The system of the '656 Patent does not suggest the generation of building system applications or the need for such a function.

For similar reasons, claims 19-23 are patentable. These claims are directed to aspects of the inventive method that is implemented by the structure set forth in claims 5-9. Because the '656 Patent is not directed to the generation of building system applications or the need for a method to generate such applications, claims 19-23 are patentable.

For at least these reasons, claims 5 through 9 and 19-23 are not anticipated nor rendered obvious by the references of record, either alone or in combination.

Claim 10

Claim 10 is not anticipated by the '656 Patent because the '656 Patent does not discuss representation of a building system, much less a configuration utility for such a purpose. The absence of this element in the '656 Patent disables the cited reference from anticipating claim 10. The '656 Patent also does not suggest a configuration utility for representing a building system as the system of that patent is not directed to the purpose of generating building system applications.

Likewise, claim 24 is not anticipated by the '656 Patent because the generation of a building system application is not the goal of the system in that patent. Consequently, no development of a file structure with components that

are representative of a building system is disclosed in the '656 Patent nor is the association of configuration data with those components disclosed.

For at least these reasons, claims 10 and 24 are patentable over the references of record, either alone or in combination.

Claims 11-14 and 25-28

Claims 11 through 14 are directed to a data collector interface, which is different than the data provider interface to the computer statements generated by the system design converter. The data collector interface is used to collect data from outside sources and convert the data to an appropriate format for storage in the database. The '656 Patent does not teach an interface for the collection of data that is separate from the interface to the application program. Consequently, the '656 Patent does not disclose or suggest the data collector interface element of claim 11. Moreover, the function of the data collector interface required in claim 12 and the supporting transaction services and the scheduling service of claims 13 and 14, respectively, are not present in the '656 Patent as there is no data collector interface to function or be serviced in that patent. Thus, the '656 Patent is unable to anticipate these claims and does not suggest these elements for purposes of supporting the generation of building system applications.

For similar reasons, claims 25-28 are patentable. These claims are directed to the method implemented by the structure of claims 11-14 for the purposes noted above. Because the '656 Patent does not disclose the collection

of data separately from the data provision function and does not teach the use of transaction services or scheduling for that data collection, claims 11-14 are neither anticipated nor rendered obvious by the references of record, alone or in combination.

For at least these reasons, claims 11 through 14 and 25-28 are patentable over the references of record, either alone or in combination.

SECTION 103 REJECTION

Claims 4 and 18

Claims 4 and 18 were rejected as being obvious over the '656 Patent in light of the '491 Publication. This rejection must fail for a number of reasons. For one, the '491 Publication was published in 2005, more than two years after the filing of Applicant's application, and the filing date of the '491 Publication is November 12, 2004, which is more than one year *after* the September 23 2003 filing date of Applicant's application. Thus, the '491 Publication is not available as prior art to the claims of Applicant's application.
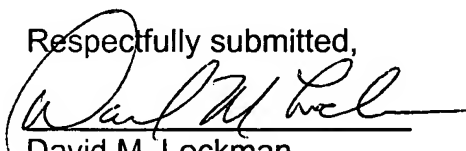
Even if the '491 Publication was available, the Examiner has provided no motivation to combine these references in the manner asserted in the Office Action. The issue of scalable databases is not contemplated in the '656 Patent so the Examiner has failed to identify a reason that one would modify the database of the '656 Patent with the scalable organization disclosed in the '491 Publication. Furthermore, the '656 Patent does not disclose both a real-time database and a data mart, with the data mart having a snowflake or star data

organization. The '491 Publication does not teach or suggest organizing a data mart with a snowflake or star data organization and is, consequently, not applicable to the structure so organized in the rejected claims. Therefore, the Examiner has failed to show why one would use the '491 Publication to organize a data mart and combine the data mart organized in this manner with a real-time database as required by claims 4 and 18. For at least these reasons, claims 4 and 18 are not rendered obvious by the cited references.

CONCLUSION

After entry of the above-presented amendments, Applicant submits that the claims are patentable over all references of record, either alone or in combination. Re-examination and allowance of all pending claims is earnestly solicited.

Respectfully submitted,

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